

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 IN RE: NATIONAL) MDL No. 2804
5 PRESCRIPTION OPIATE)
6 LITIGATION,) Case No.
7) 1:17-MD-2804
8)
9 THIS DOCUMENT RELATES TO) Hon. Dan A.
10 ALL CASES) Polster
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12)
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15 Friday, January 11, 2019
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23 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
24 CONFIDENTIALITY REVIEW
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36 Videotaped Deposition of DEBBIE HODGES, held
37 at 4206 South J.B. Hunt Drive, Rogers,
38 Arkansas, commencing at 8:15 a.m., on the
39 above date, before Debra A. Dibble, Certified
40 Court Reporter, Registered Diplomate
41 Reporter, Certified Realtime Captioner,
42 Certified Realtime Reporter and Notary
43 Public.
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THE VIDEOGRAPHER:
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GOLKOW LITIGATION SERVICES

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P R O C E E D I N G S
(January 11, 2019 at 8:05 a.m.)

THE VIDEOGRAPHER: We are now on the record. My name is Chris Ritona. I'm the videographer for Golkow Litigation Services. Today's date is January 11, 2019. And the time is approximately 8:06 a.m. This video deposition is being held in Rogers, Arkansas at Mitchell Williams, 4206 South J.B. Hunt Drive, Suite 200, in the matter of National Prescription Opioid Litigation, MDL No. 2804, Case No. 17-MD-2804. United States District Court, Northern District of Ohio, Eastern Division. The deponent today is Debbie Hodges.

Will all counsel please identify themselves for the record.

MR. INNES: Good morning. My name is Michael Innes with the law firm of Carella Byrne on behalf of plaintiffs in the MDL.

MR. BOWER: Good morning. Zach Bower, also Carella Byrne, on

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<p>1 behalf of plaintiffs in the MDL. 2 MR. VO: Caley Vo, Wright 3 Lindsey & Jennings on behalf of 4 McKesson. 5 MR. FAIRLEY: Carter Fairley 6 from the Barber Law Firm on behalf of 7 Cardinal Health. 8 MS. BECHET: Jennifer Bechet, 9 senior associate counsel at Walmart, 10 Incorporated. 11 MR. BEISELL: Patrick Beisell, 12 associate at Jones Day on behalf of 13 Walmart. 14 MS. TABACCHI: Good morning. 15 Tina Tabacchi, Jones Day, on behalf of 16 defendant Walmart and the witness. 17 THE VIDEOGRAPHER: Will all 18 counsel on the conference call please 19 identify themselves. 20 MR. SMITH: This is Wrede Smith 21 from Arnold & Porter representing Endo 22 and Par. 23 MS. NOWAK: This is Darlene 24 Nowak, Marcus & Shapira, for 25 HBC Services.</p>	<p>1 Q. You understand that even though 2 you're in a law office today, that the 3 testimony you give under oath here is subject 4 to the same penalty of perjury as if you were 5 testifying in a court of law? 6 A. Yes. 7 Q. I'm going to assume you 8 understand the questions that I ask you 9 unless you tell me that I don't understand 10 them that. Fair? 11 A. Yes. If I don't understand 12 them, I'll ask. 13 Q. Thank you. Is there anything 14 that would prevent you from thinking clearly 15 today? 16 A. No. 17 Q. Is there anything that would 18 prevent you from testifying truthfully today? 19 A. No. 20 Q. What, if anything, did you do 21 to prepare for this deposition today? 22 A. So counsel -- counsel and I had 23 a session the day before yesterday, a brief 24 session, and then we prepared yesterday as 25 well. And then sometime -- sometime before</p>
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<p>1 MR. BLAKE: This is Ryan Blake 2 with Reed Smith on behalf of 3 AmerisourceBergen. 4 THE VIDEOGRAPHER: And the 5 court reporter today is Debbie Dibble, 6 and she will now please swear in the 7 witness. 8 DEBBIE HODGES, 9 having first been duly sworn, was examined 10 and testified as follows: 11 DIRECT EXAMINATION 12 BY MR. INNES: 13 Q. Good morning, Ms. Hodges. I 14 just introduced myself. My name is 15 Michael Innes. I'm with the law firm of 16 Carella Byrne in Roseland, New Jersey. I 17 represent the plaintiffs in this case. 18 You understand you're under 19 oath, correct? 20 A. Correct. 21 Q. You may have to speak up so the 22 folks on the phone can hear you. 23 Have you ever testified under 24 oath before? 25 A. Yes.</p>	<p>1 the first of the year, we briefly met and 2 prepared. 3 Q. Okay. Let's take that in 4 reverse order. The time before the first of 5 the year. Was that an in-person meeting or 6 by telephone? 7 A. There was an in-person meeting. 8 Q. And was that at your offices? 9 A. It was here in Bentonville. 10 Q. And was that at a law office in 11 Bentonville? 12 A. It was here in Bentonville. I 13 don't recall where it was, the location. 14 Q. You don't recall the address of 15 that meeting? 16 A. No. I don't recall the 17 location. 18 Q. Okay. Was it in a conference 19 room? 20 A. I don't recall the location. 21 Q. Do you remember who attended a 22 meeting? 23 A. Sure. It was Tina, myself, 24 Patrick. 25 Q. What's Patrick's last name?</p>

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1 A. I don't know.
 2 Q. Is it the Patrick that's
 3 sitting at counsel table?
 4 A. It is. It is.
 5 Q. Thank you.
 6 Anyone else other than
 7 yourself, Tina, or Patrick attend that
 8 meeting?
 9 A. There were a couple of Walmart
 10 attorneys that came in and out, but ...
 11 And I couldn't tell you who
 12 their names were.
 13 Q. How are you certain that they
 14 were Walmart attorneys if you did not know
 15 their names?
 16 A. They identified themselves, and
 17 they gave their names. I just can't -- I
 18 don't recall their names.
 19 MS. TABACCHI: I can represent
 20 to you, Michael, that there's been
 21 nobody other than counsel in any of
 22 these meetings.
 23 MR. INNES: Thank you, Tina.
 24 Q. (BY MR. INNES) Approximately
 25 how long was that first session?

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1 A. It was a few hours.
 2 Q. During that session did you
 3 review any documents?
 4 A. No, I don't believe I did.
 5 Q. Did you review any deposition
 6 testimony in this case?
 7 A. No.
 8 Q. Did you review any court
 9 documents?
 10 A. I don't -- no.
 11 Q. Do you not recall or do you
 12 just not know?
 13 A. No, I said no.
 14 MS. TABACCHI: I think that was
 15 no. N-O.
 16 THE WITNESS: Right, it was.
 17 It was no.
 18 Q. (BY MR. INNES) When was the
 19 date of the second session that you met with
 20 counsel?
 21 A. It was Wednesday of this week.
 22 Q. Okay. And who attended that
 23 session?
 24 A. Tina, Patrick, Jennifer, and
 25 there was another Walmart attorney that

Page 12

1 dropped in for a bit.
 2 Q. And do you know Jennifer's last
 3 name?
 4 A. I don't.
 5 Q. Is Jennifer here today?
 6 A. Correct, she is.
 7 Q. And Jennifer is seated at the
 8 end of the table?
 9 A. She is.
 10 Q. And you said there was one
 11 other Walmart attorney that attended?
 12 A. Mm-hmm. And I believe it was
 13 Rob. But I don't know Rob's last name.
 14 Q. I'll just take you to the third
 15 and final session.
 16 Well, strike that.
 17 How long was the second
 18 session?
 19 A. It was four hours,
 20 approximately.
 21 Q. And where did that occur?
 22 A. It occurred in the -- a
 23 conference room.
 24 Q. At Walmart?
 25 A. Correct.

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1 Q. And what's -- which -- what's
 2 Walmart's address?
 3 A. It's on Walton Boulevard.
 4 Q. The location on Walton
 5 Boulevard?
 6 A. Correct.
 7 Q. And the final session, the one
 8 the day before yesterday?
 9 A. Same location.
 10 Q. And what was the date of that
 11 session?
 12 MS. TABACCHI: I'm sorry, just
 13 to clarify, the final session was
 14 yesterday, not the day before
 15 yesterday.
 16 MR. INNES: I'm sorry.
 17 Q. (BY MR. INNES) What was the
 18 date of the final session?
 19 A. It was yesterday.
 20 Q. Yesterday?
 21 A. Yes.
 22 Q. And for how many hours did you
 23 meet?
 24 A. Approximately six to seven.
 25 Q. And who was present at that

<p style="text-align: right;">Page 14</p> <p>1 meeting?</p> <p>2 A. Tina, Patrick, Jennifer.</p> <p>3 Q. The same Jennifer that's seated</p> <p>4 at the end of the table?</p> <p>5 A. Yes.</p> <p>6 Q. Anyone else?</p> <p>7 A. No.</p> <p>8 Q. In the second session, did you</p> <p>9 review any documents?</p> <p>10 A. Yes.</p> <p>11 Q. Did you review any deposition</p> <p>12 testimony?</p> <p>13 A. No.</p> <p>14 Q. Did you review any court</p> <p>15 documents?</p> <p>16 A. No.</p> <p>17 Q. In the third session, did you</p> <p>18 review any documents?</p> <p>19 A. Yes.</p> <p>20 Q. Did you review any testimony?</p> <p>21 A. Did I what?</p> <p>22 Q. Did you review any deposition</p> <p>23 testimony?</p> <p>24 A. No.</p> <p>25 Q. Did you review any court</p>	<p style="text-align: right;">Page 16</p> <p>1 complaint in this case?</p> <p>2 A. I don't have any knowledge,</p> <p>3 other than communication with counsel.</p> <p>4 Q. Do you agree that the</p> <p>5 United States is currently in an opioid</p> <p>6 crisis?</p> <p>7 A. Yes.</p> <p>8 Q. What's the basis for your</p> <p>9 agreement with that statement?</p> <p>10 A. I'm aware of the -- what media</p> <p>11 publishes.</p> <p>12 Q. And what media sources</p> <p>13 specifically?</p> <p>14 A. I read newspapers.</p> <p>15 Q. Which newspapers do you read?</p> <p>16 A. I read the Benton County</p> <p>17 Gazette, or the Gazette. Democrat-Gazette, I</p> <p>18 think it's called. Occasionally I read the</p> <p>19 Wall Street Journal. I read an investment</p> <p>20 newspaper.</p> <p>21 Q. What investment newspaper is</p> <p>22 that?</p> <p>23 A. I think it's called IBD.</p> <p>24 Q. Are you aware that between 2000</p> <p>25 and -- year 2000 and year 2014, unintentional</p>
<p style="text-align: right;">Page 15</p> <p>1 documents?</p> <p>2 A. No.</p> <p>3 Q. Have you read the complaint</p> <p>4 that was filed in this case?</p> <p>5 A. No.</p> <p>6 Q. Are you familiar with the</p> <p>7 allegations in the complaint as they relate</p> <p>8 to Walmart?</p> <p>9 MS. TABACCHI: Object to the</p> <p>10 form. I'm also going to caution the</p> <p>11 witness not to reveal the substance of</p> <p>12 any communications with counsel.</p> <p>13 If you can answer the question</p> <p>14 without revealing the substance of</p> <p>15 communications with counsel, you may.</p> <p>16 Otherwise, I will instruct you not to</p> <p>17 answer the question if your</p> <p>18 understanding comes from</p> <p>19 communications with counsel, to the</p> <p>20 extent you had one.</p> <p>21 THE WITNESS: Can you repeat</p> <p>22 the question?</p> <p>23 Q. (BY MR. INNES) Other than your</p> <p>24 conversations with counsel, what is your</p> <p>25 knowledge, if any, of the allegations in the</p>	<p style="text-align: right;">Page 17</p> <p>1 drug overdose deaths in the U.S. increased by</p> <p>2 137 percent?</p> <p>3 A. No.</p> <p>4 Q. Can you hear me?</p> <p>5 MS. TABACCHI: I'm having a</p> <p>6 little trouble hearing you.</p> <p>7 MR. INNES: I'll try to speak</p> <p>8 up.</p> <p>9 THE WITNESS: When he bends his</p> <p>10 head down. So just -- I have a</p> <p>11 hearing disability, and so I can watch</p> <p>12 your lips, and I'll be able to pick up</p> <p>13 on it. I have hearing aids. But when</p> <p>14 you bend your head down, it's very</p> <p>15 difficult for me to see your lips.</p> <p>16 MR. INNES: Sure. Thank you</p> <p>17 very much for pointing that out. And</p> <p>18 I'll do my best to speak with my face</p> <p>19 up so you can see my lips moving.</p> <p>20 Q. (BY MR. INNES) So maybe if I</p> <p>21 can, just do a little rearranging here.</p> <p>22 So I'll reread the --</p> <p>23 A. Sure.</p> <p>24 Q. -- re-ask the question.</p> <p>25 Between the year 2000 and 2014,</p>

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1 are you aware that unintentional drug
2 overdose deaths in the U.S. increased
3 137 percent?
4 A. I was not aware of that.
5 Q. Between -- were you aware that
6 between the year 2000 and 2014, there were
7 500,000 deaths due to prescription overdoses?
8 A. No, I was not aware of that.
9 Q. Were you aware that in 2015,
10 over 47,000 drug-related -- there were over
11 47,000 drug-related deaths?
12 A. No. I was not aware.
13 Q. Do you recall attending a DEA
14 Distributor Conference in Indianapolis,
15 Indiana on May 10th or 11th of 2016?
16 A. No. I did not attend that
17 conference.
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 Q. In preparation for today's
23 testimony, have you looked in your own
24 personal paper files for documents that might
25 be relevant to your testimony today?

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1 A. I don't have any paper files.
2 Q. Have you looked in any
3 electronic files prior to today to help
4 prepare for your testimony?
5 MS. TABACCHI: Object to the
6 form.
7 THE WITNESS: I have looked at
8 documents that we reviewed over the
9 past couple of days.
10 Q. (BY MR. INNES) The documents
11 that you reviewed in preparation for today,
12 the only documents you reviewed, were those
13 with counsel?
14 A. Correct.
15 Q. You did not review any
16 documents outside of the presence of counsel?
17 A. Correct.
18 Q. Did you endeavor to look in
19 your own electronic or paper files for
20 documents that may help refresh your
21 recollections of any events that might be
22 relevant for today?
23 A. I did not look at any documents
24 in my files, either paper or electronic.
25 Q. Thank you.

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1 My question is slightly
2 different.
3 I'm wondering if you attempted
4 to find such documents.
5 A. No.
6 Q. Did you -- prior to today, in
7 preparation for your testimony, did you speak
8 with any colleagues about your testimony?
9 A. No.
10 Q. Have you spoken with any family
11 members about the testimony you were about to
12 give?
13 A. No.
14 Q. Have you spoken with any
15 non-Walmart employees regarding the testimony
16 that you are about to give today?
17 A. No.
18 Q. Ms. Hodges, where did you
19 attend college?
20 A. Southwest Missouri State
21 University.
22 Q. And when did you graduate from
23 Southwest Missouri University?
24 MS. TABACCHI: Object to the
25 form.

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1 Q. (BY MR. INNES) Strike that.
2 When did you graduate from Southwest Missouri
3 State University?
4 A. 1985.
5 Q. Okay. Did you attend any
6 graduate programs after your graduation from
7 college?
8 A. I did.
9 Q. And what school was that?
10 A. University of Missouri
11 Columbia.
12 Q. And what degree did you obtain
13 from University of Missouri Columbia?
14 A. A JD.
15 Q. And what year was that?
16 A. 1988.
17 Q. You graduated in 1988?
18 A. Correct.
19 Q. Did you sit for a bar exam
20 after your graduation?
21 A. I did.
22 Q. In what state did you sit for
23 the bar exam?
24 A. Missouri.
25 Q. And what year were you admitted

<p style="text-align: right;">Page 22</p> <p>1 to -- strike that.</p> <p>2 Were you ever admitted to the</p> <p>3 state of Missouri?</p> <p>4 A. Yes.</p> <p>5 Q. And what year was that?</p> <p>6 A. I believe it was '90. '90 or</p> <p>7 '91.</p> <p>8 Q. So you sat for the bar exam</p> <p>9 in -- Missouri State Bar exam in 1988?</p> <p>10 A. Correct.</p> <p>11 Q. And your date of admission to</p> <p>12 the state of Missouri is 1990?</p> <p>13 A. '90 or '91. Correct.</p> <p>14 Q. How many times did you sit for</p> <p>15 the Missouri State Bar exam?</p> <p>16 A. Two or three.</p> <p>17 Q. Have you taken any other bar</p> <p>18 exams?</p> <p>19 A. No.</p> <p>20 Q. Are you admitted in any other</p> <p>21 states?</p> <p>22 A. No.</p> <p>23 Q. Upon your admission, did you</p> <p>24 practice law?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 24</p> <p>1 A. I was a real estate manager.</p> <p>2 Q. Do you recall your title?</p> <p>3 A. Real estate manager.</p> <p>4 Q. And what was your general job</p> <p>5 duties as a real estate manager?</p> <p>6 A. It was a site selection job.</p> <p>7 And so we selected the sites for Walmart</p> <p>8 stores.</p> <p>9 Q. And where were you based at</p> <p>10 that time?</p> <p>11 A. Bentonville. Bentonville,</p> <p>12 Arkansas.</p> <p>13 Q. Thank you. Did the site</p> <p>14 selection process take into account the</p> <p>15 siting of pharmacies?</p> <p>16 MS. TABACCHI: Object to the</p> <p>17 form.</p> <p>18 THE WITNESS: It took into</p> <p>19 account the selection of Walmart</p> <p>20 buildings. Walmart stores.</p> <p>21 Q. (BY MR. INNES) Walmart retail</p> <p>22 locations?</p> <p>23 A. Correct.</p> <p>24 Q. Did those retail locations</p> <p>25 include pharmacies?</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Let's begin with -- well,</p> <p>2 strike that.</p> <p>3 Do you hold any other advanced</p> <p>4 degrees?</p> <p>5 A. No.</p> <p>6 Q. So this is a long period of</p> <p>7 time that we're going to cover now. I'd like</p> <p>8 to cover your employment history.</p> <p>9 A. Okay.</p> <p>10 Q. And I think we can probably</p> <p>11 move forward in time, but I'd like to get a</p> <p>12 record of your employment from '91 to</p> <p>13 present.</p> <p>14 We might stop along the way. I</p> <p>15 might want to investigate a little bit</p> <p>16 further, based on what you tell me. But we</p> <p>17 might be able to keep this moving pretty</p> <p>18 quickly.</p> <p>19 After you became admitted to</p> <p>20 the bar, in 1990 or '91, were you employed?</p> <p>21 A. Yes.</p> <p>22 Q. And where were you employed?</p> <p>23 A. Walmart.</p> <p>24 Q. And what was your role at</p> <p>25 Walmart in that time?</p>	<p style="text-align: right;">Page 25</p> <p>1 MS. TABACCHI: Object to the</p> <p>2 form.</p> <p>3 THE WITNESS: I -- I don't</p> <p>4 know.</p> <p>5 Q. (BY MR. INNES) Do you recall</p> <p>6 if Walmart had retail pharmacies in 1991?</p> <p>7 A. I don't recall.</p> <p>8 Q. How long did you hold the title</p> <p>9 of real estate manager?</p> <p>10 A. From '88 to -- '88 to '91.</p> <p>11 Q. So from 1988 to 1991, you were</p> <p>12 a real estate manager with Walmart here in</p> <p>13 Bentonville?</p> <p>14 A. Correct.</p> <p>15 Q. And during that same period of</p> <p>16 time, you were enrolled in a JD program; is</p> <p>17 that correct?</p> <p>18 MS. TABACCHI: Object to the</p> <p>19 form.</p> <p>20 THE WITNESS: Incorrect.</p> <p>21 Q. (BY MR. INNES) I'm sorry, I</p> <p>22 just want to make sure I have the record</p> <p>23 clear.</p> <p>24 My mistake. Let me clean that</p> <p>25 up so it's okay.</p>

1 You graduated with a JD in
2 1988; is that correct?
3 A. Correct.
4 Q. And you passed -- you sat and
5 passed for the bar in '90 or '91.
6 A. Correct.
7 Q. And you were admitted in '90 or
8 '91?
9 A. Correct.
10 Q. And in 1988, you became a real
11 estate manager for Walmart?
12 A. Correct.
13 Q. And you held that title until
14 1991?
15 A. Correct.
16 Q. What was your next employment?
17 A. I -- for approximate -- I went
18 out to the store -- and I think they called
19 me a trainee -- but long story short, it was
20 much like an assistant manager job in the
21 store for eight months or so.
22 Q. And when you refer to "store,"
23 that's a Walmart retail location?
24 A. Correct.
25 Q. In your role, in that assistant

1 manager role, did you have any duties as it
2 related to -- strike that.
3 In that location, was there a
4 pharmacy?
5 A. There was.
6 Q. And in your role as an
7 assistant manager, did you have any duties
8 relating to that pharmacy?
9 A. So my role was not considered
10 an assistant manager. My role was considered
11 a trainee. I said it was like
12 responsibilities of an assistant manager.
13 And then to answer your
14 question, no, I did not have any
15 responsibility as it relates to the pharmacy.
16 Q. Thank you.
17 And after eight months as a
18 trainee, what was your next employ?
19 A. I was in merchandising as a
20 buyer.
21 Q. And your role as a buyer in
22 merchandising, was that back at the home
23 office?
24 A. Correct.
25 Q. And how long did you hold that

1 role?
2 A. I held various roles in
3 merchandising. So that first role was
4 probably less than a year, probably less than
5 six months, that first role.
6 Q. Okay. In that first role, what
7 were the products that you were -- strike
8 that.
9 What was your -- can you
10 describe your role?
11 A. In the very first role in
12 merchandising, it was menswear. And it was
13 ball caps that I bought.
14 Q. All right. We can talk about
15 that off-line.
16 Following your role as a -- in
17 merchandising as a buyer of ball caps, what
18 was your next role?
19 A. It was a buyer in what we call
20 the infant department.
21 Q. In that role in the infant
22 department, what, if any, medical products
23 did you purchase?
24 A. None.
25 Q. Were you primarily purchasing

1 apparel for infants?
2 A. I purchased apparel.
3 Q. How long were you in that role?
4 A. Approximately three to four
5 years.
6 Q. Okay. After your role in
7 merchandising as a buyer for infants, what
8 was your next role?
9 A. It was a buyer in ladies' wear.
10 Q. And how long were you in that
11 position?
12 A. Approximately two, two and a
13 half years.
14 Q. And what was your next role?
15 A. It was a buyer in cosmetics and
16 skin care.
17 Q. And what was your role after
18 that?
19 A. I had a -- I was promoted to a
20 DMM in cosmetics and skin care.
21 Q. Just for the record, what does
22 DMM stand for?
23 A. Divisional merchandise manager.
24 Q. So you're no longer a buyer,
25 but you're a divisional merchandise manager?

Page 30

1 A. Correct.

2 Q. Did your responsibilities

3 change at that point?

4 A. Yes, they did.

5 Q. And what was your role or

6 function as a divisional merchandise manager?

7 A. It was to oversee buyers that

8 bought product for the cosmetic and skin care

9 business.

10 Q. And how -- approximately how

11 long did you hold that title?

12 A. Approximately three and a half,

13 four years.

14 Q. And what was your next

15 position?

16 A. It was in supply chain, and it

17 was position of vice president over safety

18 and compliance of supply chain.

19 Q. Approximately what year did you

20 begin in that role?

21 A. I don't recall the year. I'd

22 have to do a math problem and figure it out,

23 but I don't recall the year.

24 Q. Maybe we can figure this one

25 out together. So in '91, you're a real

Page 31

1 estate manager.

2 A. From '88 to '91.

3 Q. Right.

4 A. Correct.

5 Q. And then from approximately '91

6 to maybe '92, you're a trainee assistant?

7 A. So collectively in

8 merchandising, I've spent about 15 years.

9 Q. Okay. So does that help you?

10 A. 15 years, and if I started in

11 '88 -- '98 -- probably -- approximately 2004,

12 if my math is right.

13 Q. So approximately 2004, you take

14 on the role of supply chain vice president,

15 safety and compliance.

16 A. Correct.

17 Q. And what were your

18 responsibilities in that role?

19 A. It was a safety -- it was to

20 lead the asset protection team.

21 Q. And what assets were you

22 protecting in that role?

23 A. The -- I wasn't protecting, but

24 it was to lead the team that protected. And

25 we called it asset protection, safety and

Page 32

1 compliance.

2 Q. Okay. And what products was

3 that team responsible for, if any?

4 A. Products in the general

5 distributions -- or grocery distribution

6 center and regional distribution center and

7 apparel distribution center.

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Page 33

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 MS. TABACCHI: Object to the

10 form.

11 Q. (BY MR. INNES) And I'll just

12 say this now before we get too far. We might

13 have sort of rapid-fire, faster exchanges.

14 If you can just pause, let your attorney

15 interpose an objection.

16 A. Yes, I got in a little hurry,

17 didn't I?

18 Q. Yeah. I suffer from the same

19 thing as well. So I will try to keep my pace

20 at a reasonable level so I don't egg you on.

21 The -- okay. So for how long

22 did you hold the role of vice president,

23 safety and compliance in supply chain?

24 A. Approximately three years.

25 Q. So 2007 time period?

Page 34

1 A. Correct.
2 Q. What role did you take on after
3 vice president, safety and compliance?
4 A. It was over operations, so vice
5 president of operations over the Great Lakes.
6 Q. I'm sorry, let me cycle back to
7 your prior role as the vice president in
8 safety and compliance.
9 Who did you report to in 2004?
10 A. Johnny Dobbs.
11 Q. And for the record, do you --
12 can you spell Mr. Dobbs's last name?
13 A. I think it's -- I think it's
14 D-O-B-B-S.
15 Q. And during that timeframe, how
16 many people reported directly to you?
17 MS. TABACCHI: Object to the
18 form.
19 Sorry, are you talking about
20 2004?
21 MR. INNES: Yes.
22 THE WITNESS: Approximately
23 six?
24 Q. (BY MR. INNES) And in 2005,
25 who did you report to?

Page 35

1 A. When I was over operations? Is
2 that your question?
3 Q. In 2005, you held the title
4 supply chain vice president, safety and
5 compliance; is that right?
6 A. In 2000 --
7 Q. '5?
8 A. '5. Correct.
9 Q. Johnny Dobbs?
10 A. Johnny Dobbs.
11 Q. And was Mr. Dobbs also -- did
12 you report to Mr. Dobbs in 2006 as well?
13 A. Yes.
14 Q. And between 2004 and 2006, in
15 your role as a vice president, I think your
16 testimony is that for a portion of that time,
17 approximately six folks reported directly to
18 you.
19 A. Correct.
20 Q. Was that approximately the same
21 number of folks over the entire period of
22 time that you held that role?
23 MS. TABACCHI: Object to form.
24 THE WITNESS: Correct.
25 Q. (BY MR. INNES) So now let's

Page 36

1 move forward to 2007. You're the vice
2 president of -- well, I know I asked this
3 question again, but let's get it right for
4 the record.
5 In 2007, what was your title?
6 A. After the position of safety
7 and compliance, I took the job of vice
8 president over operations of Great Lakes.
[REDACTED]

Page 37

[REDACTED]

23 Q. Does a regional distribution
24 facility -- strike that.
25 In your role as a VP of

Page 38

1 operations for the Great Lakes region, what,
2 if any, responsibility did you have for the
3 distribution of Schedule II substances?
4 A. None.
5 Q. During your time as a VP of
6 operations of the Great Lakes region, did
7 Walmart ever conduct training?
8 MS. TABACCHI: Object to the
9 form.
10 THE WITNESS: Can you be more
11 specific as it relates to training?
12 Q. (BY MR. INNES) Did you ever
13 attend any training as the vice president of
14 operations for Great Lakes related to your
15 role?
16 A. So clarification. Are you
17 talking internal training? External
18 training?
19 Q. Yeah, I think I'm going to
20 withdraw it. That's a horrible question.
21 A. What?
22 Q. That's a horrible question.
23 I'm going to withdraw it. We'll move on.
24 A. Okay.
25 Q. Where were you based as a vice

Page 39

1 president of operations for Great Lakes?
2 A. Detroit. Livonia, to be
3 specific.
4 Q. How do you spell that name?
5 A. I don't know. Livonia,
6 Michigan.
7 Q. And Livonia is in proximity,
8 close proximity to Detroit?
9 A. Correct.
10 Q. Now, you said you were the vice
11 president of operations for the Great Lakes
12 region. Were there other vice presidents
13 for -- I'm sorry, strike that.
14 What other regions are there
15 for Walmart?
16 MS. TABACCHI: Object to the
17 form.
18 THE WITNESS: There are other
19 regions. I can't name them all, but
20 there are other regions.
[REDACTED]

Page 40

[REDACTED]

Page 41

[REDACTED]

Page 42

[REDACTED]

Page 44

[REDACTED]

20 Q. (BY MR. INNES) So did your
21 title change at any time after 2007?
22 A. At any time after 2007. From
23 now to present -- or from 2007 to present?
24 Q. That's a fair point. I
25 appreciate the clarification.

Page 43

[REDACTED]

Page 45

1 What role did you take on after
2 the vice president, if any?
3 A. So I had a -- a took on --
4 after -- in the chronological that you're
5 talking.
6 Q. Yes.
7 A. After the vice president of the
8 Great Lakes, then I was the divisional vice
9 president of Central Plains.
10 Q. And what year was that?
11 A. Well, it was right after -- it
12 was two years after the Great Lakes.
13 Q. So beginning sometime 2009?
14 A. Correct. '9 or '10.

[REDACTED]

Page 46

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 Q. What position did you take on
16 immediately after the Central Plains role?
17 A. It was the vice president of
18 supply chain services.
19 Q. Is that sometime in 2000 --
20 well, you tell me. What was the date that
21 you took the --
22 A. A math problem. I'm not good
23 at keeping track of that math problem. So I
24 was four years in operations, and so it was
25 after that.

Page 47

1 Q. And by "operations," which role
2 are you referring to?
3 A. I'm referring to the
4 Great Lakes and Central Plains jobs.
5 Q. Okay. I'm going to try to help
6 us through the math problem together. The
7 operations position started in 2007. You
8 think you were there for about four years
9 over those two roles. So now we're --
10 A. A little over, but yes.
11 Q. So about 2011 --
12 A. Correct.
13 Q. -- you take on the vice
14 president of supply chain services?
15 A. Yes. Vice president of supply
16 chain services.
17 Q. And can you describe your
18 responsibilities and duties in that role?
19 A. It was a solution-based team.
20 And so I managed several solution-based teams
21 predominantly for the flow of merchandise
22 through the RDCs and GDCs.
23 Q. Okay. Let's break that down a
24 little bit. What do you mean by
25 "solution-based team"?

Page 48

1 A. What I mean is if there were
2 any issues of product coming through the RDC
3 or GDC, I had teams that managed through
4 those -- managed through those issues.
5 Q. And what do you mean by --
6 A. And --
7 Q. I'm sorry.
8 A. Go ahead.
9 Q. I try not to cut you off, so I
10 apologize if I did.
11 If I do cut you off and you
12 want to continue speaking, please do.
13 What do you mean by "issues"?
14 A. So if a supplier were to ship
15 in product that was more product than the
16 PO -- the PO called for, then my team had to
17 help resolve that.
18 Q. Does "PO" mean purchase order?
19 A. Correct.
20 Q. How long did you hold this role
21 of VP supply chain services?
22 A. Approximately three and a half
23 years.
24 Q. Sometime in the area of 2014,
25 2015 is when you ended that position?

Page 49

1 A. No. It would have to be -- I
2 had to end that sometime in the neighborhood
3 of '17, wasn't it? '17, '18, '19 because
4 I've been in this role a year and a half. So
5 it had to be sometime in that neighborhood of
6 '17.
7 Q. Maybe I can help us out here.
8 A. Yeah.
9 Q. So what's the next role that
10 you took on?
11 A. So then the next role is vice
12 president over pharmacy. So I went from the
13 supply chain services to pharmacy.
14 Q. Okay.
15 A. Network pharmacy. And it
16 wasn't just pharmacy, it's health and
17 wellness. So health and wellness and print
18 solutions.
19 Q. Okay. Is that your current
20 title?
21 A. Correct.
22 Q. I have your current title as
23 vice president, health and wellness, PM DC
24 supply chain.
25 A. Right. So that's print

Page 50

1 solutions.

2 And I don't know what PM DC

3 stands for, but it's the old nomenclature for

4 print solutions.

5 Q. So anytime I see PM DC --

6 A. It's print solutions.

7 Q. Okay. They're synonymous?

8 A. Correct.

9 Q. Thank you.

10 That might help us out later.

11 I appreciate that.

12 A. Okay.

13 Q. So vice president, health and

14 wellness, PM DC supply chain.

15 A. Correct.

16 Q. Is it better for me to refer to

17 that as "vice president, health and wellness,

18 print solutions"?

19 A. It's either one is fine.

20 Q. Okay.

21 Did you take on that position

22 in June of 2017? Is that correct?

23 A. That is correct.

24 Q. So now I just want to make sure

25 I have the timeline right.

Page 51

1 So immediately prior to your

2 current title, you were the vice president of

3 supply chain services?

4 A. Correct.

5 Q. Okay. And we believe that ran

6 from approximately 2011 until June of '17?

7 A. There's something not right

8 with that math. Because I -- it was only

9 about three and a half years. So we'll have

10 to back up through there.

11 Q. Well, maybe we're missing a

12 role.

13 A. I don't think we're -- we

14 haven't missed any roles.

15 Q. Okay.

16 A. We might have -- I don't know

17 that we've added the math up correctly. I

18 haven't been -- I don't have a tally sheet

19 here, but ...

20 Q. Okay. I'm relying on you for

21 that. And I'm relying on the time frames

22 you're giving me.

23 A. So to put an easy math problem,

24 I was in merchandising roughly 15 years. So

25 I was in real estate roughly three and a

Page 52

1 half, I was in merchandising roughly 15, and

2 I've been in distribution roughly 15.

3 So if you add -- or, let's see.

4 So that's not quite right. So I was in

5 merchandising and real estate approximately

6 15, and then I've been in supply chain

7 approximately 13 to 15, I guess.

8 Q. So all in, somewhere between 28

9 and 30 years as a Walmart employee?

10 A. I just hit my 30-year, right.

11 Q. All right. Congratulations.

12 A. So there's a math problem.

13 Q. There's a math problem. We're

14 doing algebra at this point.

15 A. A little complicated.

16 Q. All right. So let's go back to

17 the title you had immediately before your

18 present title.

19 A. Okay.

20 Q. And that's the vice president

21 of supply chain services.

22 A. Correct.

23 Q. Were there any regional

24 limitations on that role or was that a

25 national role?

Page 53

1 A. Were there any -- repeat the

2 question?

3 Q. Was there --

4 Prior to your role, as you

5 mentioned, you had responsibility over a

6 particular region.

7 I'm wondering if, in the role

8 of vice president of supply chain services,

9 you were also limited to a particular region.

10 A. No. It covered all RDCs and

11 GDCs.

12 Q. And by "all," you mean

13 nationally?

14 A. Correct.

15 Q. Were there any international

16 facilities you had --

17 A. No.

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Page 54

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 Q. In June of 2017, you take on
6 the role of vice president, health and
7 wellness, print solutions.
8 A. Correct.
9 Q. What were your job
10 responsibilities -- what are your job
11 responsibilities?
12 A. It's to oversee the
13 distribution of -- the distribution of the
14 distribution centers. And it's also to
15 oversee the operation of the optical
16 distribution center.
17 Q. And are you describing your
18 role present day?
19 A. Correct.
20 Q. Okay. So I want to maybe
21 refocus my question.
22 A. Okay.
23 Q. In June of '17, what were your
24 responsibilities?
25 A. It was to oversee the operation

Page 56

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 Q. Okay. Thank you.
16 In response to one of my
17 earlier questions, I think you said the
18 "distribution of the distribution centers."
19 A. Yes. I misspoke.
20 Q. Okay. All right.
21 A. I meant to say the "operation
22 of the distribution centers."
23 Q. Okay. Thank you.
24 Is it operation of the pharmacy
25 distribution centers?

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1 of the distribution center. The
2 distribution -- the pharmacy distribution
3 centers. And it was to oversee the operation
4 of the optical distribution centers. And it
5 was to oversee the operation of print
6 solutions.
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

Page 57

1 A. Correct.
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

Page 58

[REDACTED]

Page 60

[REDACTED]

Page 59

[REDACTED]

Page 61

[REDACTED]

Page 62

[REDACTED]

Page 64

[REDACTED]

Page 63

[REDACTED]

Page 65

[REDACTED]

Page 66

[REDACTED]

Page 68

1 [REDACTED]

Page 67

[REDACTED]

Page 69

[REDACTED]

Page 70

Page 72

22 MR. INNES: We've been going
 23 for maybe an hour now, right?
 24 THE VIDEOGRAPHER: Hour and 15.
 25 MR. INNES: I'm about to jump

1 MS. TABACCHI: Object to the
2 form.
3 THE WITNESS: Yes.
4 Q. (BY MR. INNES) I can re-ask
5 the question.
6 By "couple" do you mean two?
7 A. Yes.
8 Q. Do you recall if you've given
9 more than two depositions?
10 A. I don't recall.
11 Q. And I know you have a JD, so
12 just so we're clear, when we're referring to
13 depositions, these are depositions where you
14 were being deposed?
15 A. Correct.
16 Q. Have you taken depositions
17 before?
18 A. No.
19 Q. The first case where you sat
20 for a deposition, when was that? Approximate
21 year?
22 A. Let's see. So I was born in
23 '63.
24 So it was -- '77.
25 Q. And in 1977, you sat for a

Page 71

Page 73

1 into another long topic. Maybe we
2 take -- you know, take five, ten.
3 I mean, you guys --
4 We can go off the record.
5 THE VIDEOGRAPHER: 9:21. We
6 are off video record.
7 (Recess taken, 9:21 a.m. to
8 9:38 a.m.)
9 THE VIDEOGRAPHER: 9:38. We
10 are on the video record.
11 Q. (BY MR. INNES) Okay.
12 Ms. Hodges, we're back from our first morning
13 break. I just wanted to take the opportunity
14 to go back and cover one area that I missed.
15 You -- I believe your prior
16 testimony is that you've given a deposition
17 before?
18 A. Yes.
19 Q. How many times have you sat for
20 a deposition?
21 A. A couple.
22 Q. Were those all in the same
23 case?
24 A. No.
25 Q. So two separate cases?

1 deposition. What was the nature of the case?
2 A. The nature of the case was an
3 insurance claim.
4 Q. And that was an insurance
5 claim -- can you describe that in a little
6 bit more detail?
7 A. Sure. The -- our family had a
8 pet raccoon, and we were moving its house out
9 to our new house, and the neighbor girl came
10 over and pulled the tail of the raccoon. It
11 turned around and bit her. And there was a
12 lawsuit that pursued. (sic)
13 And there were depositions that
14 were pursued by that.
15 Q. So I'm just going to do some
16 quick arithmetic. You sat for a deposition
17 in the raccoon bite case --
18 A. The raccoon bite case, yes,
19 sir.
20 Q. -- at the age of 14?
21 A. 14.
22 Q. Somewhere around that?
23 A. You're right.
24 Q. So you've got early experience
25 with the format of the conversation?

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1 A. Early experience. That's
2 right.

3 Q. The second case, did that
4 involve a raccoon as well?

5 I'll strike that.

6 The second case you sat for a
7 deposition, what was the nature of that case?

8 A. There was a real estate case
9 with Walmart.

10 Q. Okay. And was Walmart the
11 plaintiff or the defendant in that case?

12 A. Defendant.

13 Q. And did this case take place
14 during the time period where you were in the
15 real estate division at Walmart?

16 A. I don't -- don't know that the
17 case took place while I was in the real
18 estate. It was about the real estate.

19 Q. Okay.

20 A. It was about a deal.

21 Q. All right. And what was the
22 exact -- strike that.

23 You were not a party to that
24 litigation, were you?

25 MS. TABACCHI: Object to the

Page 76

Page 75

1 form.

2 Q. (BY MR. INNES) You were not
3 named as a defendant in that case?

4 A. No.

5 Q. Okay. Let's go back closer to
6 present day.

7 June of 2017 is when you took
8 on the role of vice president, health and
9 wellness, printing solutions; is that right?

10 A. Correct.

Page 77

Page 78

[REDACTED]

Page 80

[REDACTED]

Page 79

[REDACTED]

Page 81

[REDACTED]

Page 82

[REDACTED]

Page 84

[REDACTED]

Page 83

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Page 85

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Page 86

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Page 89

[REDACTED]

Page 90

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Page 92

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Page 91

[REDACTED]

Page 93

[REDACTED]

Page 94

[REDACTED]

Page 96

[REDACTED]

Page 95

[REDACTED]

Page 97

[REDACTED]

Page 98

1 MS. TABACCHI: I'm just going
2 to object to the form and again
3 caution the witness not to reveal the
4 substance of communications with
5 counsel.
6 You may answer the question if
7 you can do that without revealing a
8 privilege.
9 MR. INNES: Before you answer,
10 I just want to respond to the
11 privilege instruction.
12 I'm not sure that I understand
13 your privilege instruction. She's
14 certainly -- do you want to articulate
15 that a little bit better?
16 MS. TABACCHI: You're asking
17 the witness to share her
18 understanding -- you've been asking a
19 number of questions of an obligation
20 that you consider to be a legal
21 obligation. You're asking the witness
22 about her understanding of a legal
23 obligation that the company had. And
24 to the extent that she has an
25 understanding based on conversations

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1 with counsel, those communications
2 would be privileged.
3 So I just don't want her to
4 share information that she learned
5 from lawyers.
6 She can answer the question.
7 I'm just trying to protect the
8 privilege of the company.
9 MR. INNES: But you understand
10 that in her role, she is responsible
11 for Walmart -- carrying out Walmart's
12 compliance with --
13 THE WITNESS: No.
14 MR. INNES: -- the Controlled
15 Substances Act.
16 MS. TABACCHI: Okay. Well,
17 there's not a question pending, but I
18 think that's part of the confusion is
19 that you're making some assumptions.
20 MR. INNES: I don't think
21 there's any confusion here at all.
22 But we can take the answer to the
23 question.
24 MS. TABACCHI: You're presuming
25 that she had a compliance obligation.

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1 I think that's what you just said.
2 MR. INNES: So we have an order
3 in this case from Judge Polster that
4 discusses the metes and bounds of
5 privilege as it relates to suspicious
6 order monitoring. My questions are
7 directed at Walmart's suspicious order
8 monitoring program.
9 MS. TABACCHI: You are free to
10 ask any question about what Walmart
11 did, what Walmart's program was, what
12 Walmart's policies were. I'm just
13 asking that you not ask about
14 conversations between the witness and
15 the lawyers that are protected by the
16 attorney-client privilege.
17 If you want to ask about what
18 Walmart's suspicious order monitoring
19 policies were, process, program, yes.
20 Ask those questions. We're not trying
21 to prevent you from getting that
22 information. We're just not going to
23 have witnesses testify about the
24 conversation with a lawyer.
25 MR. INNES: And I'm not asking

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1 about conversations with a lawyer.
2 MS. TABACCHI: Okay.
3 MR. INNES: I can preface each
4 one of these questions that I'm not
5 interested in conversations with a
6 lawyer. I'm only interested in her
7 understanding of the obligations that
8 she had to carry out. That's the
9 question.
10 THE WITNESS: So, the question?
11 MS. TABACCHI: Hold on. Wait
12 until he asks you a question.
13 Are you and I finished?
14 MR. INNES: I'm finished,
15 unless you --
16 MS. TABACCHI: No, no, that's
17 fine.
18 MR. INNES: Now I've had a long
19 colloquy. I'm going to have trouble
20 finding this question. Bear with me
21 for a second here.
22 MS. TABACCHI: It's okay. Just
23 wait until he asks you a question,
24 then you can answer it.

Page 102

[REDACTED]

Page 104

1

[REDACTED]

Page 103

[REDACTED]

Page 105

[REDACTED]

Page 106

[REDACTED]

Page 108

[REDACTED]

Page 107

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Page 109

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Page 116

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Page 115

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Page 117

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Page 118

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Page 120

[REDACTED]

Page 119

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Page 121

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Page 122

[REDACTED]

Page 124

[REDACTED]

Page 123

[REDACTED]

Page 125

[REDACTED]

Page 126

[REDACTED]

13 MS. TABACCHI: Let us know,
14 Mike, whenever it's a good time to
15 take another break. If you're in the
16 middle of something, you know, go
17 ahead.
18 MR. INNES: Let me just ask two
19 questions, see if we can't nail down
20 the rest of this process, and then we
21 can take a break.

[REDACTED]

Page 128

[REDACTED]

Page 127

[REDACTED]

Page 129

[REDACTED]

21 Q. And at this point in time,
22 you're aware that the United States is
23 undergoing an opioid crisis; is that right?
24 A. Yeah. I think we established
25 that in the very beginning of this

Page 130

1 conversation.

[REDACTED]

Page 132

[REDACTED]

Page 131

[REDACTED]

Page 133

[REDACTED]

Page 134

[REDACTED]

Page 136

[REDACTED]

Page 135

[REDACTED]

Page 137

[REDACTED]

Page 138

[REDACTED]

Page 140

1 MR. INNES: I'm sorry. We --
2 MS. TABACCHI: You were on a
3 roll?
4 MR. INNES: Yeah, we can take
5 one now. Yeah, I just got on a roll.
6 THE VIDEOGRAPHER: 10:49. We
7 are off the video record.
8 (Recess taken, 10:49 a.m. to
9 11:08 a.m.)
10 THE VIDEOGRAPHER: 11:08. We
11 are on the video record.
12 Q. (BY MR. INNES) Okay.
13 Ms. Hodges, we're back on the record.

[REDACTED]

Page 139

[REDACTED]

23 MS. TABACCHI: Michael, we
24 asked for a break a few minutes ago.
25 Are you close?

Page 141

[REDACTED]

Page 142

[REDACTED]

Page 144

[REDACTED]

Page 143

[REDACTED]

Page 145

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Page 146

[REDACTED]

Page 148

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Page 147

[REDACTED]

Page 149

[REDACTED]

Page 150

[REDACTED]

22 Q. Okay. And at this point you're
23 aware that the country is in an opioid
24 crisis. That is correct; right?
25 A. Yes.

Page 151

[REDACTED]

Page 152

[REDACTED]

Page 153

[REDACTED]

Page 154

[REDACTED]

Page 156

[REDACTED]

Page 155

[REDACTED]

Page 157

[REDACTED]

9 Q. And during this time period,
10 you're aware of the opioid crisis; is that
11 right?
12 A. Correct.
13 Q. And did you ever inquire --
14 strike that.

[REDACTED]

Page 158

[REDACTED]

Page 160

[REDACTED]

Page 159

[REDACTED]

Page 161

[REDACTED]

Page 162

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Page 163

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Page 165

[REDACTED]

Page 166

[REDACTED]

Page 168

[REDACTED]

Page 167

[REDACTED]

Page 169

[REDACTED]

15 MS. TABACCHI: I'm sorry, could
16 you say that -- could you just repeat
17 that? I didn't --
18 MR. INNES: I can rephrase it,
19 if that's the objection. Or if there
20 is an objection.
21 MS. TABACCHI: I couldn't hear
22 you. I'm sorry, I just couldn't hear
23 you.

[REDACTED]

Page 170

[REDACTED]

Page 172

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 MS. TABACCHI: Michael, let me
13 know whenever you're ready to break
14 for lunch. I know our food is out
15 there.
16 MR. INNES: Let me see if I
17 can't just close out this line. It
18 might take 15 to 20. Unless you guys
19 are hungry and you want to take a
20 break now, we can do that. It's --
21 MS. TABACCHI: Okay.
22 MR. INNES: I'm leaving it in
23 your hands. However you want to do
24 it.
25 MS. TABACCHI: I mean, if you

Page 171

[REDACTED]

Page 173

1 have 20 more minutes, I'd just as soon
2 take a break. But if you have a few
3 more minutes --
4 MR. INNES: That's okay. No,
5 we can take a break.
6 MS. TABACCHI: Okay.
7 THE VIDEOGRAPHER: 11:46. We
8 are off the video record.
9 (Recess taken, 11:46 a.m. to
10 12:38 p.m.)
11 THE VIDEOGRAPHER: 12:38. We
12 are on the video record.
13 Q. (BY MR. INNES) Good afternoon,
14 Ms. Hodges. We're back on the record. You
15 understand you're still under oath?
16 A. Correct. Yes.
[REDACTED]

Page 174

[REDACTED]

Page 176

[REDACTED]

Page 175

[REDACTED]

Page 177

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Page 178

[REDACTED]

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Page 215

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Page 217

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Page 218

[REDACTED]

Page 220

[REDACTED]

5 MS. TABACCHI: Mike, whenever
6 you're at a good point for a quick
7 break, let me know.
8 MR. INNES: Do you want to take
9 five right now?
10 MS. TABACCHI: Sure.
11 MR. INNES: Okay.
12 THE VIDEOGRAPHER: 1:31. We
13 are off the video record.
14 (Recess taken, 1:31 p.m. to
15 1:36 p.m.)
16 THE VIDEOGRAPHER: 1:36. We
17 are on the video record.

[REDACTED]

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Page 221

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Page 222

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Page 224

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Page 223

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Page 253

[REDACTED]

Page 254

[REDACTED]

Page 256

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Page 255

[REDACTED]

Page 257

1 Do you have knowledge of the
2 opioid crisis?
3 A. Yes, I do.

[REDACTED]

Page 258

[REDACTED]

Page 260

[REDACTED]

Page 259

[REDACTED]

Page 261

[REDACTED]

Page 262

[REDACTED]

Page 264

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Page 270

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Page 272

[REDACTED]

Page 271

[REDACTED]

Page 273

[REDACTED]

Page 274

[REDACTED]

12 MR. INNES: Did you need --
13 MS. TABACCHI: Well --
14 THE WITNESS: I need some
15 water.

16 MS. TABACCHI: If we can take a
17 short break, when you're -- when you
18 have the right place. I don't know
19 how much longer you have. I don't
20 want to throw off your plans.

21 MR. INNES: Sure.

22 MS. TABACCHI: But ...

[REDACTED]

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[REDACTED]

Page 275

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Page 277

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Page 278

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Page 280

[REDACTED]

Page 279

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Page 281

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Page 282

[REDACTED]

Page 284

[REDACTED]

24 MS. TABACCHI: Mike, just
25 whenever you --

Page 283

[REDACTED]

Page 285

1 MR. INNES: I'm sorry, I ran
2 over you. You asked for a break. We
3 can go --
4 MS. TABACCHI: We'll be speedy.
5 THE VIDEOGRAPHER: 2:37. We
6 are off the video record.
7 (Recess taken, 2:38 p.m. to
8 2:50 p.m.)
9 THE VIDEOGRAPHER: 2:50. We
10 are on the video record.
11 Q. (BY MR. INNES) Okay,
12 Ms. Hodges. We are back. I think we'll make
13 one final push here. Before I begin with
14 some documents I want to ask if -- first of
15 all, are you aware that the trials in this
16 case are scheduled to go forward in Ohio in
17 the first bellwether trials?
18 A. I'm aware of that.
19 Q. And would you be willing to
20 come and testify in that trial to tell your
21 story to the jury?
22 MS. TABACCHI: You can consult
23 with us about the testimony of our
24 Walmart witnesses when there's a
25 pretrial order. I'm not sure you need

Page 286

1 to ask the witness that question
2 today.
3 MR. INNES: I'm not asking
4 whether she will or will not come, I'm
5 asking if she's willing to come.
6 THE WITNESS: It will be
7 determined by counsel whether I should
8 be there or not, I think.
9 Q. (BY MR. INNES) Thank you for
10 that.
11 Okay. So let me hand you
12 what's been marked as Exhibit 1.
13 (Walmart-Hodges Deposition
14 Exhibit 1 was marked for
15 identification.)
16 MR. INNES: I have copies here
17 for your counsel.
18 Tina, you'll notice that there
19 are hole punches in the side. Those
20 are not part of the original. Those
21 are part of the copy job. You'll see
22 that on all three exhibits. I
23 apologize for that. I don't believe
24 that will impact any part of the
25 questions that I need to ask the

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1 witness or that the witness needs to
2 understand, but I'll let you be the
3 judge of that.
4 Ms. Hodges, when you've had a
5 chance to review the document, please
6 let me know and we can start some --
7 I'll ask my questions.
8 [Document review.]
9 MR. INNES: If it helps, I can
10 direct your attention to --
11 THE WITNESS: I was just
12 reading all of it.
13 MR. INNES: You're more than
14 welcome to. I'm going to represent to
15 you that I'm only going to ask you
16 questions about the one topic on the
17 page ending in Bates number -- that's
18 the number at the bottom right-hand
19 corner -- 263 --
20 THE WITNESS: The top what?
21 Q. (BY MR. INNES) The bottom
22 right-hand corner. 2637.
23 A. Okay.
24
25

Page 288

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
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25 [REDACTED]

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1 [REDACTED]
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Page 340

[REDACTED]

Page 339

[REDACTED]

Page 341

[REDACTED]

Page 342

[REDACTED]

Page 344

[REDACTED]

5 MS. TABACCHI: Do you mind if I
6 just -- I don't -- there were lawyers
7 present at this meeting, and I would
8 appreciate just an opportunity to talk
9 to the client before we talk about the
10 substance of what was discussed in
11 this meeting to make sure that there
12 is no privilege issue.
13 MR. INNES: We can do that.
14 I'm a little surprised that you
15 haven't talked to her about this
16 meeting yet, but if you'd like to take
17 a few minutes to do so, I'm happy to
18 do it.
19 THE WITNESS: She hasn't.
20 MS. TABACCHI: Thank you.
21 We'll be back.
22 THE VIDEOGRAPHER: 3:55. We
23 are off the video record.
24 (Recess taken, 3:55 p.m. to
25 3:59 p.m.)

Page 343

[REDACTED]

Page 345

1 THE VIDEOGRAPHER: 3:59. We
2 are on the video record.
3 MR. INNES: We're back on the
4 record. We took a break to allow
5 counsel for Walmart to confer with
6 Ms. Hodges regarding the pending
7 question. I'll just read back the
8 pending question so you have it.
[REDACTED]

Page 346

[REDACTED]

Page 348

1 bank; is that correct?

2 A. Correct.

3 Q. And it's owned by a member of

4 the Walton family? Is that --

5 A. You've got me.

6 I should have said "I don't

7 know" rather than "You've got me." I don't

8 know.

9 Q. It's getting late in the day.

[REDACTED]

Page 347

[REDACTED]

17 Q. Do you know where

18 Lisa Holland -- strike that.

19 Do you know if Lisa Holland

20 obtained employment elsewhere after Walmart?

21 A. Yes.

22 Q. Do you know where she's

23 employed?

24 A. Arvest.

25 Q. Arvest? Arvest is a regional

Page 349

[REDACTED]

Page 350

Page 352

1

Page 351

Page 353

19 MR. INNES: Why don't you just
20 give me a couple minutes.
21 We can go off the record.
22 THE VIDEOGRAPHER: 4:07. We
23 are off the video record.
24 (Recess taken, 4:07 p.m.
25 4:11 p.m.)

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1 THE VIDEOGRAPHER: 4:11. We
2 are on the video record.
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
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19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 CERTIFICATE
2 I, DEBRA A. DIBBLE, Registered
3 Diplomate Reporter, Certified Realtime
4 Reporter, Certified Realtime Captioner,
5 Certified Court Reporter and Notary Public,
6 do hereby certify that prior to the
7 commencement of the examination, DEBBIE
8 HODGES was duly sworn by me to testify to the
9 truth, the whole truth and nothing but the
10 truth.
11 I DO FURTHER CERTIFY that the
12 foregoing is a verbatim transcript of the
13 testimony as taken stenographically by and
14 before me at the time, place and on the date
15 hereinbefore set forth, to the best of my
16 ability.
17 I DO FURTHER CERTIFY that pursuant
18 to FRCP Rule 30, signature of the witness was
19 not requested by the witness or other party
20 before the conclusion of the deposition.
21 I DO FURTHER CERTIFY that I am
22 neither a relative nor employee nor attorney
23 nor counsel of any of the parties to this
24 action, and that I am neither a relative nor
25 employee of such attorney or counsel, and
that I am not financially interested in the
action.
DEBRA A. DIBBLE, RDR, CRR, CRC
NCRA Registered Diplomate Reporter
NCRA Certified Realtime Reporter
Certified Court Reporter
Dated: 15 January 2018

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1 Q. (BY MR. INNES) Okay.
2 MR. INNES: No further
3 questions. Unless you've got
4 questions, I'm fine to end the
5 deposition.
6 MS. TABACCHI: We have no
7 questions, no.
8 Thank you.
9 MR. INNES: All right. Thank
10 you.
11 MS. TABACCHI: We'll reserve
12 signature.
13 THE VIDEOGRAPHER: 4:12 p.m.
14 We are off the record. This concludes
15 the video deposition.
16 (Proceedings recessed at
17 4:12 p.m.)
18 --o0o--
19
20
21
22
23
24
25

Page 357

1 INSTRUCTIONS TO WITNESS
2
3 Please read your deposition over
4 carefully and make any necessary corrections.
5 You should state the reason in the
6 appropriate space on the errata sheet for any
7 corrections that are made.
8 After doing so, please sign the
9 errata sheet and date it.
10 You are signing same subject to
11 the changes you have noted on the errata
12 sheet, which will be attached to your
13 deposition.
14 It is imperative that you return
15 the original errata sheet to the deposing
16 attorney within thirty (30) days of receipt
17 of the deposition transcript by you. If you
18 fail to do so, the deposition transcript may
19 be deemed to be accurate and may be used in
20 court.
21
22
23
24
25

Page 358		Page 360	
1	ERRATA	1	LAWYER'S NOTES
2	PAGE LINE CHANGE	2	
3		3	PAGE LINE
4	REASON: _____	4	_____
5		5	_____
6	REASON: _____	6	_____
7		7	_____
8	REASON: _____	8	_____
9		9	_____
10	REASON: _____	10	_____
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16	REASON: _____	16	_____
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18	REASON: _____	18	_____
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21		21	_____
22	REASON: _____	22	_____
23		23	_____
24	REASON: _____	24	_____
25		25	_____
Page 359			
1	ACKNOWLEDGMENT OF DEPONENT		
2			
3			
4	I, DEBBIE HODGES, do hereby certify		
5	that I have read the foregoing pages and that		
6	the same is a correct transcription of the		
7	answers given by me to the questions therein		
8	propounded, except for the corrections or		
9	changes in form or substance, if any, noted		
10	in the attached		
11	Errata Sheet.		
12			
13	DEBBIE HODGES		
14	DATE		
15	Subscribed and sworn to before me this		
16	_____ day of _____, 20 ____.		
17	My commission expires: _____		
18			
19	_____		
20	Notary Public		
21			
22			
23			
24			
25			